

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

VIRTAMOVE, CORP.,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE  
COMPANY,

Defendant.

Case No. 2:24-cv-00093-JRG  
(Lead Case)

**JURY TRIAL DEMANDED**

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VIRTAMOVE, CORP.,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES  
CORP.,

Defendant.

Case No. 2:24-CV-00064-JRG  
(Member Case)

**JURY TRIAL DEMANDED**

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**ORDER ACCEPTING AND ACKNOWLEDGING STIPULATION**

On this date the Court considered the Stipulation Regarding Defendant's Answer to Plaintiff's Third Amended Complaint and Plaintiff's Rule 12 Motion to Dismiss (Dkt. 125). Based on the stipulation and the grounds set forth therein, the Court finds as proper the parties' agreement on certain procedural issues relating to the Motion to Dismiss Dkt. 49 and Dkt. 115.

**THEREFORE, IT IS HEREBY ACCEPTED AND ACKNOWLEDGED** that VirtaMove does not need to re-file or re-brief its Partial Motion to Dismiss Count 5 because the same Count 5 in IBM's Second Counterclaims does not affect the arguments made in support of or in opposition to VirtaMove's Partial Motion to Dismiss Count 5, and because VirtaMove will not be moving to dismiss new Counts 6 and/or 7.

**IT IS FURTHER ACCEPTED AND ACKNOWLEDGED** that the Motion to Dismiss Count 5 as well as the Response and Reply thereto shall apply equally to Count 5 in both the First Counterclaims and Second Counterclaims, and can be decided by the Court as currently briefed.